

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Robert Earl Council,

Plaintiff

v.

**Commissioner John Hamm, in his official
capacity, for the Alabama Department of
Corrections, et al.**

Defendants.

Civil Action No. 2:23-cv-00658-ECM-CWB

**PLAINTIFF’S UNOPPOSED MOTION TO MODIFY DEADLINES
FOR MOTION TO DISMISS RESPONSE AND REPLY BRIEFS**

On December 6, 2023, Defendants filed a motion to dismiss this case. Docs. 43 & 44. The next day, the Court issued a briefing schedule, directing Plaintiff Robert Earl Council to file his response by December 21, 2023, and for Defendants to file their reply by December 28, 2023. Doc. 45. Plaintiff Council seeks to modify these deadlines. Defendants consent.

Defendants have raised four separate grounds for dismissal, *see* Doc. 43, which will require extensive briefing. Plaintiff Council is currently working on supplemental preliminary injunction brief, which is December 14, 2023. *See* Doc. 42. For this reason, Plaintiff Council would benefit from additional time to file his response to the motion to dismiss. And due to the upcoming holiday, Plaintiff Council seeks to extend the current December 21 deadline by two weeks—until January 4, 2023, the same day Defendants’ supplemental preliminary injunction response brief is due, *see id.*, with Defendants’ reply brief due one week later.

Plaintiff Council therefore requests that the Court entered a modified briefing schedule as follows:

- Plaintiff Council’s Response to Defendants’ Motion to Dismiss: January 4, 2023

- Defendants' Reply to Plaintiff Council's Motion to Dismiss Response: January 11, 2023

Respectfully submitted this 8th day of December, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2023, I filed this Motion to Modify Deadlines For Motion to Dismiss Response and Reply Briefs with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all registered CM/ECF users:

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